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3 **UNITED STATES DISTRICT COURT**
4 **FOR THE WESTERN DISTRICT OF WASHINGTON**
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6 **WAVERLY LICENSING LLC,**
7 **Plaintiff,**
8 **v.**
9 **VALVE CORPORATION,**
10 **Defendant.**

CASE NO. 2:22-CV-747

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

12 **COMPLAINT FOR PATENT INFRINGEMENT**
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14 Plaintiff Waverly Licensing LLC (“Plaintiff”), through its attorneys,
15 complains of Valve Corporation (“Defendant”), and alleges the following:

16 **PARTIES**
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18 1. Plaintiff Waverly Licensing LLC is a limited liability company with
19 its principal place of business at 3333 Preston Road STE 300 #1095, Frisco, TX
20 75034.

22 2. Upon information and belief, Defendant is a corporation organized
23 under the laws of Washington, having a principal place of business at 10400 NE
24 4th Street – Suite 1400, Bellevue, Washington 98004.
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JURISDICTION

1 3. This is an action for patent infringement arising under the patent laws
2 of the United States, Title 35 of the United States Code.

4 4. This Court has exclusive subject matter jurisdiction under 28 U.S.C.
5 §§ 1331 and 1338(a).

7 5. This Court has personal jurisdiction over Defendant because it has
8 engaged in systematic and continuous business activities in this District. As
9 described below, Defendant has committed acts of patent infringement giving rise
10 to this action within this District.

VENUE

12 6. Venue is proper in this District under 28 U.S.C. § 1400(b) because
13 Defendant has committed acts of patent infringement in this District and Defendant
14 is incorporated and/or has a regular and established place of business in this
15 District. In addition, Plaintiff has suffered harm in this district.

PATENT -IN -SUIT

22 7. On March 2, 2021, the United States Patent and Trademark Office
23 (“USPTO”) duly and legally issued U.S. Patent No. 10,938,246 (the ““246
24 Patent”), entitled “METHOD AND APPARATUS FOR CHARGING A BATTERY
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– OPERATED DEVICE” after a full and fair examination. The ‘246 Patent is
1 attached hereto as Exhibit 1 and incorporated herein as if fully rewritten.
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3 8. Plaintiff is presently the owner of the ‘246 Patent, having received all
4 right, title and interest in and to the ‘246 Patent from the previous assignee of
5 record. Plaintiff possesses all rights of recovery under the ‘246 Patent, including
6 the exclusive right to recover for past infringement.
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8 9. To the extent required, Plaintiff has complied with all marking
9 requirements under 35 U.S.C. § 287.
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12 **COUNT 1: INFRINGEMENT OF THE ‘246 PATENT**

13 10. Plaintiff incorporates the above paragraphs herein by reference.
14 11. **Direct Infringement.** Defendant has directly infringed one or more
15 claims of the ‘246 Patent in at least this District by making, using, offering to sell,
16 selling and/or importing, without limitation, at least the Defendant products
17 identified in the charts incorporated into this Count below (among the “Exemplary
18 Defendant Products”) that infringe at least the exemplary claims of the ‘246 Patent
19 also identified in the charts incorporated into this Count below (the “Exemplary
20 ‘246 Patent Claims”) literally or by the doctrine of equivalents. On information and
21 belief, numerous other devices that infringe the claims of the ‘246 Patent have
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been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

12. Defendants also have directly infringed, literally or under the doctrine of equivalents, the Exemplary ‘246 Patent Claims, by having its employees internally test and use these Exemplary Products.

13. Exhibit 2 includes charts comparing the Exemplary ‘246 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the ‘246 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary ‘246 Patent Claims.

14. Plaintiff therefore incorporates by reference in its allegations herein
the claim charts of Exhibit 2.

15. Plaintiff is entitled to recover damages adequate to compensate for Defendants' infringement.

JURY DEMAND

16. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

1 WHEREFORE, Plaintiff respectfully requests the following relief:

2 A. A judgment that the ‘246 Patent is valid and enforceable;;

3 B. A judgment that Defendants have infringed, one or more claims

4 of the ‘246 Patent;

5 C. An accounting of all damages not presented at trial;

6 D. A judgment that awards Plaintiff all appropriate damages under

7 35 U.S.C. § 284 for Defendants’ infringement with respect to the ‘246

8 patent;

9 E. And, if necessary, to adequately compensate Plaintiff for

10 Defendants’ infringement, an accounting:

11 i. that this case be declared exceptional within the meaning of 35

12 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys’ fees

13 against Defendant that it incurs in prosecuting this action;

14 ii. that Plaintiff be awarded costs, and expenses that it incurs in

15 prosecuting this action; and

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1 iii. that Plaintiff be awarded such further relief at law or in equity
2 as the Court deems just and proper.

3 DATED this 31st day of May, 2022.

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5 By: s/ Philip P. Mann
6 Philip P. Mann, WSBA No. 28860
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17 **Counsel for Plaintiff**
18 **Waverly Licensing LLC**